

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DISTRICT ATTORNEY OF NEW YORK COUNTY,

Plaintiff,

-v.-

THE REPUBLIC OF THE PHILIPPINES, JOSE
DURAN, ON HIS BEHALF AND AS
REPRESENTATIVE OF A CLASS OF JUDGMENT
CREDITORS OF THE ESTATE OF FERDINAND E.
MARCOS, IMELDA MARCOS, AND FERDINAND
R. MARCOS, VILMA BAUTISTA, ESTER
NAVALAKSANA, LEONOR HERNANDEZ, AIDA
HERNANDEZ, IMELDA MARCOS, JORGE Y.
RAMOS, THE METROPOLITAN MUSEUM OF
MANILA FOUNDATION, INC., GOLDEN BUDHA
CORPORATION, AND THE ESTATE OF ROGER
ROXAS,

Defendants.

14 Civ. 890

AMENDED ORDER

THE REPUBLIC OF THE PHILIPPINES and JOSE
DURAN, ON HIS BEHALF AND AS
REPRESENTATIVE OF A CLASS OF JUDGMENT
CREDITORS OF IMELDA MARCOS, FERDINAND
R. MARCOS AND THE ESTATE OF FERDINAND
E. MARCOS,

Plaintiffs,

-v. -

GAVINO ABAYA, JUAN ABAYA, SUSAN ABAYA,
DIANE DUNNE AND BARBARA STONE,

Defendants.

14 Civ. 3829 (KPF)

KATHERINE POLK FAILLA, District Judge:

WHEREAS, by Stipulation and Order filed January 17, 2019 (ECF #489

and ECF #87, respectively) the captioned matters were settled in accordance with the terms set forth therein; and

WHEREAS, the settlement set forth in the Stipulation and Order was conditioned upon the class represented by *Jose Duran, On His Behalf And As Representative Of A Class Of Judgment Creditors Of The Estate Of Ferdinand E. Marcos, Imelda Marcos, and Ferdinand R. Marcos* (the “Duran Class”) obtaining FRCP 23(e) approval of the United States District Court for the District of Hawaii (“Final Approval”); and

WHEREAS, by Order dated March 28, 2019, issued in *Hilao, et al. v. Estate of Ferdinand E. Marcos and DeVera, et al. v. Estate of Ferdinand E. Marcos* [USDC Hawaii Civil Action No. 1:03 Civ. 11111 (MLR), ECF #10735], the United States District Court for the District of Hawaii, granted Final Approval of the settlement set forth in the Stipulation and Order; and

WHEREAS, the Clerk of the Court of the United States District Court for the Southern District of New York (“Clerk SDNY”) has custody of Interpleaded Property at issue in Civil Action No. 14 Civ. 890 (KPF), including a cash fund held in the Disputed Ownership Fund (the “Fund”) in the Court Registry Investment System (CRIS), aggregating no less than Eighteen Million, Nine Hundred Nine Thousand, Five Hundred Fifty-Six Dollars and Nineteen (\$18,909,556.19); and

WHEREAS, the Stipulation and Order provides, *inter alia*, that upon Final Approval the Clerk SDNY shall distribute cash from the Fund to the Duran Class by sending Thirteen Million, Seven Hundred Fifty Thousand

Dollars (\$13,750,000) to the Class Settlement Fund maintained by the Clerk of the United States District Court for the District of Hawaii in Civil Action No. 03-11111; and

WHEREAS, the Clerk SDNY has agreed to waive its entitlement to deduct a fee not exceeding the fee authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office by reason of the fact that for a period of over three years the Fund was mistakenly held in a non-interest bearing account.

NOW THEREFORE, it is hereby **ORDERED** as follows:

The Clerk of the Court of the United States District Court for the Southern District of New York is hereby authorized and directed to remit the sum of Thirteen Million, Seven Hundred Fifty Thousand Dollars (\$13,750,000) from the Disputed Ownership Fund in the CRIS by check made payable to “*Clerk, US District Court for the District of Hawaii*” for deposit in the Class Settlement Fund maintained by the Clerk of the United States District Court for the District of Hawaii in *Hilao, et al. v. Estate of Ferdinand E. Marcos and DeVera, et al. v. Estate of Ferdinand E. Marcos*, Civil Action No. 03-11111; and it is further

ORDERED that the aforesaid check, along with a copy of this Order, be sent by overnight courier such as Federal Express or UPS to:

Sue Beitia
Clerk of the Court
United States District Court
District of Hawaii
300 Ala Moana Blvd C-338

Honolulu, HI 96850
Phone Number (808) 541-1178;

and it is further

ORDERED that Clerk SDNY is authorized and directed to deduct expenses attributable to the overnight courier service from amounts remaining in the Fund.

SO ORDERED.

Dated: April 9, 2019
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla", is positioned above a horizontal line.

Hon. Katherine Polk Failla
United States District Judge